

CANADA / JUDGMENT

# B.M. v. Canada (Attorney General)

2025 ONCA 791

## COURT

Court of Appeal for Ontario

## DECIDED

18 November 2025

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B.M. v. Canada (Attorney General) Collection Decisions of the Court of Appeal Date 2025-11-18  
Neutral citation 2025 ONCA 791 Docket numbers COA-25-CV-1238 Judges Favreau, Lise G. Subject  
Civil Decision Content COURT OF APPEAL FOR ONTARIO CITATION: B.M. v. Canada (Attorney  
General), 2025 ONCA 791 DATE: 20251118 DOCKET: COA-25-CV-1238 Favreau J.A. (Case  
Management Judge) BETWEEN B.M. and C.A. Plaintiffs (Appellants) and His Majesty the King in  
Right of Ontario and Attorney General of Canada Defendants (Respondents) David Sterns,  
Mohsen Seddigh, Adil Abdulla and Maria Robles, for the appellants Sarah Pottle, for the  
respondent His Majesty the King in Right of Ontario Sonja Pavic and Sarah Rajguru, for the  
respondent Attorney General of Canada Maggie Wentz and Eileen Church Carson, for the  
proposed intervenor Chiefs of Ontario Hassan Ahmad, for the proposed intervenor Hiawatha  
First Nation Sujit Choudhry, for the proposed intervenor British Columbia Civil Liberties  
Association Sarah Clarke, for the proposed intervenor Canadian Civil Liberties Association Julian  
N. Falconer and Erin McMurray, for the proposed intervenor Nishnawbe Aski Nation Heard:  
November 17, 2025 REASONS FOR DECISION

- [1] The appellants have brought a proposed class proceeding on behalf of (i) Indigenous children who were taken into out-of-home care while they lived off-reserve, and their parents and grandparents; and (ii) Indigenous children who faced a delay, denial or service gap in accessing essential services. The claim challenges various aspects of the child welfare system, including its design and funding, alleging, in part, that it has led to the over-representation of Indigenous children in care and to significant gaps in the level and quality of services available to Indigenous children in areas such as health and education. The motion judge dismissed the certification motion: *BM v. Ontario*, 2025 ONSC 4575. I have been assigned to case manage the appeal.
- [2] There are numerous proposed intervenors on the appeal. At the request of the parties, I held a case conference on November 17, 2025, for the purpose of scheduling the motions for intervention. I also addressed the date for the hearing of the appeal. My directions arising from the case conference are set out below. Motions for leave to intervene

- [3] Counsel for the proposed interveners listed above participated in the case conference. I was advised that there may be additional proposed interveners. I am therefore publishing this direction so that the timelines for motions to intervene are publicly available.
- [4] I will hear the motions for interventions on Friday, May 8, 2026, at 10:00 a.m. via Zoom.
- [5] The schedule for the exchange of materials for the intervention motions is as follows:
- a. the proposed interveners are to serve and file their motion materials by March 5, 2026 (their materials are to include a draft of the factum they propose filing on the appeal); and
  - b. the parties are to serve and file their responding materials, if any, by April 10, 2026. If the parties do not serve responding materials, they are to advise the court about their position on each proposed intervention.
- [6] If leave to intervene is granted, deadlines for the filing of materials by the interveners and supplementary factums by the parties will be set after the motion is heard and decided.  
Hearing date
- [7] The appeal will be scheduled for two days, preferably in June or the early fall of 2026. The court will contact the parties with potential dates for the appeal.

## Conclusion

- [8] I would ask the parties to provide a copy of this endorsement to counsel for potentially interested interveners who did not participate in the case conference. If any additional parties seek to intervene on the appeal, they are to notify the court and counsel for the parties, and to abide by the schedule set out above for intervention motions.
- [9] If any further issues arise between the parties, they can request a further case conference.  
“L. Favreau J.A.”

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Prepared on 28 October 2026 · Esheria